IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.: 007287.00018
Dan Kikinis	
Serial No.: 10/071,091	Group Art Unit: 2424
Filed: February 7, 2002	Examiner: Shang, Annan Q.
For: A METHOD AND SYSTEM FOR IMPLEMENTING AN ELECTRONIC PROGRAMMING GUIDE	Confirmation No.: 1032

REPLY BRIEF

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Sir:

This *Reply Brief* is filed pursuant to 37 C.F.R. § 41.41 in response to the Examiner's Answer mailed November 27, 2009. Because Appellants believe that the examining corps' errors are readily ascertainable on the briefs, Appellants do not request an oral hearing at this time. However, if the Board of Patent Appeals & Interferences believes that an oral hearing would be beneficial, the Board is invited to contact Appellants' undersigned representative at (202) 824-3174.

Remarks

The Examiner's Answer at pp. 3-7 repeats the rejections in the final Office Action dated February 5, 2009, which were fully addressed in Appellants' Appeal Brief filed August 20, 2009. This Reply Brief addresses the Answer's "Response to Argument" beginning on page 7.

I. *Arsenault and Emma do not teach or suggest storing the received programming information, in its entirety, in a data storage area, responsive to the received programming information being stored in its entirety, continuously scanning the data storage area, in a*

cyclical manner, to identify and remove data entries meeting a first predetermined criterion, and responsive to storing the received programming information in its entirety, partitioning the data storage area into a plurality of discrete storage areas.

The Examiner's Answer asserts that Appellant's have mischaracterized Arsenault by making references to a few cited portions in asserting that Arsenault fails to teach or suggest storing received program information in its entirety. *See* Examiner's Answer at p. 7. Appellant respectfully disagrees. As discussed in Appellant's Appeal Brief, the system of Arsenault receives a stream of digitized data packets containing information and the packets are *filtered out* to remove any packets that are not currently of interest. See col. 6, lines 5-11 (emphasis added). That is, the data is filtered *prior to* being stored. At most, the cited portions of Arsenault teach or suggest content packets, created from *filtered* information, that are *stored as they are created. See* col. 6, line 55 – col. 7, line 46. Moreover, the packets that are of interest *may be intermediately stored* in system RAM. Col. 6, lines 11-28.

The Examiner's Answer asserts that Arsenault "discloses an IRD-36 which receives and stores (all) the EPG data." *See* Examiner's Answer at p. 7. It then goes on to note that "col. 6, line 55-col. 7, line 46 [of Arsenault] recite '...one embodiment of the present invention for receiving and storing content records 100 (col. 6, lines 55-57), such as the program guide data, at the local receiver unit (IRD) 36.'" *Id.* Nothing in this portion of Arsenault, or any portion of Arsenault teaches or suggests Arsenault stores received program information <u>*in its entirety*</u>, as recited in claim 1. It merely describes saving content records.

The Examiner's Answer further asserts that Arsenault "partitions the storage to a plurality of discrete storage areas and categorizes a group of labels (a-f, figure 3) and stores these labels accordingly in the discrete storage areas." *See* Examiner's Answer at p. 8. Appellant respectfully disagrees. Neither the cited portions of Arsenault, nor any portion, teaches or suggests responsive to storing the received programming information in its entirety, partitioning the data storage area into a plurality of discrete storage areas, as recited in claims 1 and 29. Instead, Arsenault describes content records having associated titles and labels. *See* col. 6, lines 61-63 and col. 8, line 40-col. 9, line 40. There is absolutely no teaching or suggestion of any partition of storage or of these labels being stored in discrete storage areas, as recited in claims 1 and 29.

Instead, Arsenault merely describes the labels being associated with the content record. *Id*. It is entirely possible that the labels (i.e., the alleged stored programming information) could be stored in a single storage area, rather than a plurality of discrete storage areas, as recited.

Accordingly, independent claims 1 and 29 are allowable for at least these reasons.

II.   *Arsenault and Emma do not teach or suggest programming information further comprising tokens, including compressed forms of the information about the individual programs, used to describe individual programs and a meaning associated with the tokens.*

The Examiner's Answer asserts that portions of Arsenault "creates labels, categorizes a group of labels where the labels hold compressed forms of information about individual programs, which meet Appellant['s] claim limitations '...tokens, including compressed forms of the information about individual programs, used to describe the individual programs and a meaning associated with the tokens.'" *See* Examiner's Answer at p. 9. Appellant respectfully disagrees. Even assuming, without conceding, that the labels of Arsenault constitute tokens including compressed forms of information about individual programs, there is no teaching or suggestion of any meaning associated with the labels (i.e., the alleged tokens). Accordingly, claims 3 and 31 are allowable for at least these reasons.

III.   *Arsenault and Emma do not teach or suggest the meaning associated with tokens is stored in a token dictionary and the token dictionary is modifiable.*

As discussed in Appellant's Appeal Brief, claims 67 and 68 recite wherein the meaning associated with the tokens is stored in a token dictionary and the token dictionary is modifiable, respectively. The "Response to Argument" fails to address these rejections. However, there is absolutely no teaching or suggestion in Arsenault of a token having any meaning, let alone a meaning stored in a token dictionary. Rather, the portions of Arsenault relied on in the Final Office Action merely describe titles and labels. There is no teaching or suggestion of a meaning associated with the title or label, let alone a meaning stored in a modifiable dictionary, as recited in the claims. Accordingly, claims 67 and 68 are patentably distinct from Arsenault and Emma.

CONCLUSION

Appellant believes that the above reasoning presents the clearest arguments for overturning the rejection. For all the foregoing reasons, and based on the previously submitted arguments, Appellant respectfully requests that the Board instruct the examining corps to withdraw the rejections and pass this case to issuance at its earliest convenience. If there are any questions or any additional information is required, please contact Appellant's undersigned representative at (202) 824-3174.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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